



pet

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Wagner et al.	Attorney Docket:	1301-026
Serial No:	10/748,753	Examiner:	Unassigned
Conf. No.	2695		
Filed:	December 30, 2003	Art Unit:	2651
TITLE: Method of Allowing Point-In-Time View of Data Using a Map on Cache Disk			

Response to Notice to File Missing Parts of Non-Provisional Application  
(Filed Under 37 CFR 1.53(b))

**Petition to Accept Drawings 8B and 8C  
As Originally Filed on December 30, 2003  
And to Grant Filing Date of December 30, 2003**

Express Mail No. EV406652054US

**Mail Stop Missing Parts**

Commissioner for Patents

P. O. Box 1450

Alexandria, Virginia – 22313-1450

Sir:

In response to the Notice to File Missing Parts of Non-Provisional Application dated May 7, 2004, with a two-month period set for response by July 7, 2004, Applicants hereby petition for acceptance and entry of Figures 8B and 8C as previously filed with the original application on December 30, 2003 and that the application be accorded a filing date of December 30, 2003. The Petition fee in the amount of \$130 is enclosed herewith and request is made for an immediate refund of this fee in view of the following Exhibits:

Exhibit A. Copy of application as filed on December 30, 2004 which includes Figures 8B and 8C (note the Figures have a double-sided notation indicating page numbers in the series of 12 pages)

Exhibit B. Copy of return receipt postcard as stamped by the USPTO indicating receipt of 12 sheets of drawings;

05/27/2004 HVUONG1 00000023 10748753

03 FC:1460

130.00 OP

Exhibit C. Web page from PAIR dated May 12, 2004 which indicates that 12 pages of drawings were entered into the Image File Wrapper for Application Serial No. 10/748,753, 1 page, ([http://pair.uspto.gov/cgi-bin/final/pair\\_efw.pl](http://pair.uspto.gov/cgi-bin/final/pair_efw.pl));

Exhibit D. Web page from PAIR dated May 12, 2004 which indicates that Figure 8b of the 12 pages of drawings was entered into the Image File Wrapper for Application Serial No. 10/748,753, 1 page,  
([http://pair.uspto.gov/cgi-bin/final/pair\\_efw.pl?cmd=GetImg&AppId=10748753&im...](http://pair.uspto.gov/cgi-bin/final/pair_efw.pl?cmd=GetImg&AppId=10748753&im...));

Exhibit E. Web page from PAIR dated May 12, 2004 which indicates that Figure 8c of the 12 pages of drawings was entered into the Image File Wrapper for Application Serial No. 10/748,753, 1 page,  
([http://pair.uspto.gov/cgi-bin/final/pair\\_efw.pl?cmd=GetImg&AppId=10748753&im...](http://pair.uspto.gov/cgi-bin/final/pair_efw.pl?cmd=GetImg&AppId=10748753&im...));

Exhibit F. Copy of Filing Receipt dated May 7, 2004 from USPTO indicating receipt of 12 sheets of drawings in connection with Application Serial No. Serial No 10/748,753;

Exhibit G. Declaration by A. José Cortina attesting to contents of application as filed; and

Exhibit H. Declaration by Lynette M. Bailey attesting to the mailing of application papers.

In light of the foregoing, it is clear both from Applicant's Attorney's file copies, from correspondence from the USPTO and from the USPTO's website, that the Figures were filed with the above-identified application, and were received into the USPTO's image file wrapper.

As such, in view of the exhibits presented herein, it is respectfully requested that Figures 8b and 8c be accepted into the application as filed on December 30, 2003, that the application be accorded a filing date of December 30, 2003, and that the notice of omission of drawings in the Notice to File Missing Parts be withdrawn. It is further requested that the \$130 petition fee be refunded.

Sincerely,

By:



A. José Cortina, Reg. No. 29,733  
Daniels Daniels & Verdonik, P.A.  
Post Office Drawer 12218  
Research Triangle Park, NC 27709  
Telephone (919) 544 5444  
Facsimile (919) 544 5920  
Email JCortina@d2vlaw.com

Dated: May 25, 2004

F:\CL\1301-026\Prosecution\Petition to Accept Drawings.doc



Attorney Docket No. 1301-026

**CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10**

Express Mail mailing label number: EV 406651650 US

Applicant: Wagner et al.

Title: METHOD OF ALLOWING POINT-IN-TIME VIEW OF  
DATA ON A DISK USING A MAP ON CACHE DISK

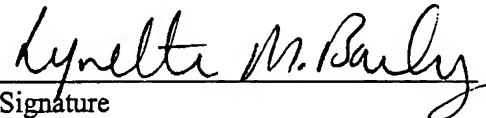
Date of Deposit: December 30, 2003

Type of Document(s): Certificate of Express Mailing (1 page);  
Utility Patent Application Transmittal (1 page);  
Fee Transmittal Form (1 page) in duplicate (without fee);  
Specification (40 pages including 18 claims and Abstract);  
Drawings (12 sheets);  
Declaration and Power of Attorney (2 pages) (Unsigned);  
Request for Non-Publication  
Application Data Sheet (4 pages); and  
Return Receipt Postcard.

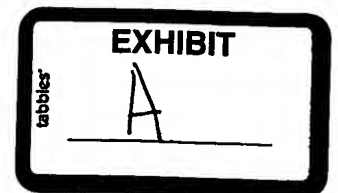
Serial No.: Unassigned

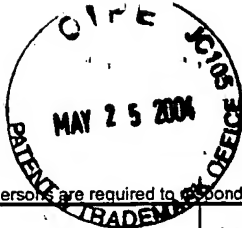
Filing Date: Herewith

I hereby certify that the documents identified above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on December 30, 2003 and is addressed to the Mail Stop Patent Application, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450.

  
Signature

Lynette M. Bailey





PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	1301-026
First Inventor	Wagner et al.
Title	Method of Allowing Point-
Express Mail Label No.	EV406651650US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Specification [Total Pages 40]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 12]
- Oath or Declaration [Total Sheets 2]
  - ☐ Newly executed (original or copy)
  - ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☒ Application Data Sheet. See 37 CFR 1.76

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - ☐ Computer Readable Form (CRF)
  - Specification Sequence Listing on:
    - ☐ CD-ROM or CD-R (2 copies); or
    - ☐ Paper
  - ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement of Attorney  
(when there is an assignee) ☐ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☒ Other: Unsigned Declaration & P.O.A.  
Request for Non-Publication

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: .....

Prior application information:

Examiner

Art Unit:

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number: 26108 OR ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type) A. Jose Corina

Registration No. (Attorney/Agent) 29,733

Signature

Date

December 30, 2003

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# FEE TRANSMITTAL for FY 2003

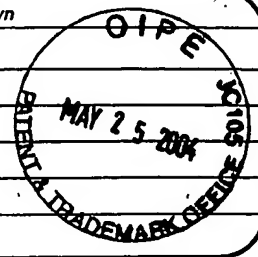
Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 770.00 (not paid)

Complete if Known

Application Number Unassigned  
Filing Date Herewith  
First Named Inventor Wagner et al.  
Examiner Name Unassigned  
Group / Art Unit Unassigned  
Attorney Docket No. 1301-026



## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☒ None Order

☐ Deposit Account:

Deposit  
Account  
Number

Deposit  
Account  
Name

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	770.00
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 770)

### 2. EXTRA CLAIM FEES

Total Claims	18	-20 **	=	0	X	18	=	0
Independent Claims	1	-3 **	=	0	X	86	=	0
Multiple Dependent					X		=	0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$ 0)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type) A. Jose Cortina Registration No. Attorney/Agent 29,733 Telephone 919-544-5444  
Signature [Signature] Date December 30, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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DOCKET NO. 1301-026

December 30, 2003

APPLICANT: Wagner et al.

SERIAL NO. Unassigned

The date stamp of the Patent Office hereon may be considered as the date on which papers indicated below were received.

- ☒ Certificate of Express Mailing
- ☒ Utility Patent Application Transmittal (1 page)
- ☒ Fee Transmittal Form (1 page) in duplicate (w/o fee)
- ☒ Specification (40 pages incl. 18 claims & Abstract)
- ☒ Drawings (12 pages)
- ☒ Unexecuted Declaration and Power of Attorney (2 pgs.)
- ☒ Application Data Sheet (4 pages)
- ☒ Request for Non-Publication
- ☒ Return Receipt Postcard

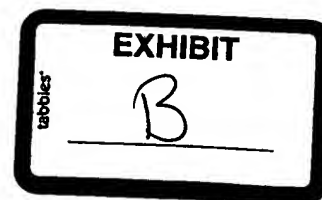
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(Patent Office. Please stamp and return to addressee on reverse)

17497 U.S. PTO  
10/748753



JAN 12 2004





United States Patent and Trademark Office

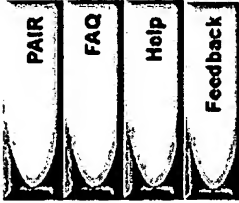
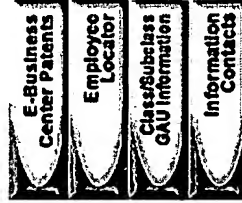
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Image File Wrapper for Application No.:10/748,753					
Mail Room Date	Document Description	Document Category	Page Count	All	None
12/30/2003	<a href="#">Transmittal of New Application</a>	PROSECUTION	4	<input type="checkbox"/>	<input type="checkbox"/>
12/30/2003	<a href="#">Specification</a>	PROSECUTION	36	<input type="checkbox"/>	<input type="checkbox"/>
12/30/2003	<a href="#">Claim</a>	PROSECUTION	3	<input type="checkbox"/>	<input type="checkbox"/>
12/30/2003	<a href="#">Abstract</a>	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>
12/30/2003	<a href="#">Drawings</a>	PROSECUTION	12	<input type="checkbox"/>	<input type="checkbox"/>
12/30/2003	<a href="#">Oath or Declaration filed</a>	PROSECUTION	2	<input type="checkbox"/>	<input type="checkbox"/>
12/30/2003	<a href="#">Application Data Sheet</a>	PROSECUTION	4	<input type="checkbox"/>	<input type="checkbox"/>

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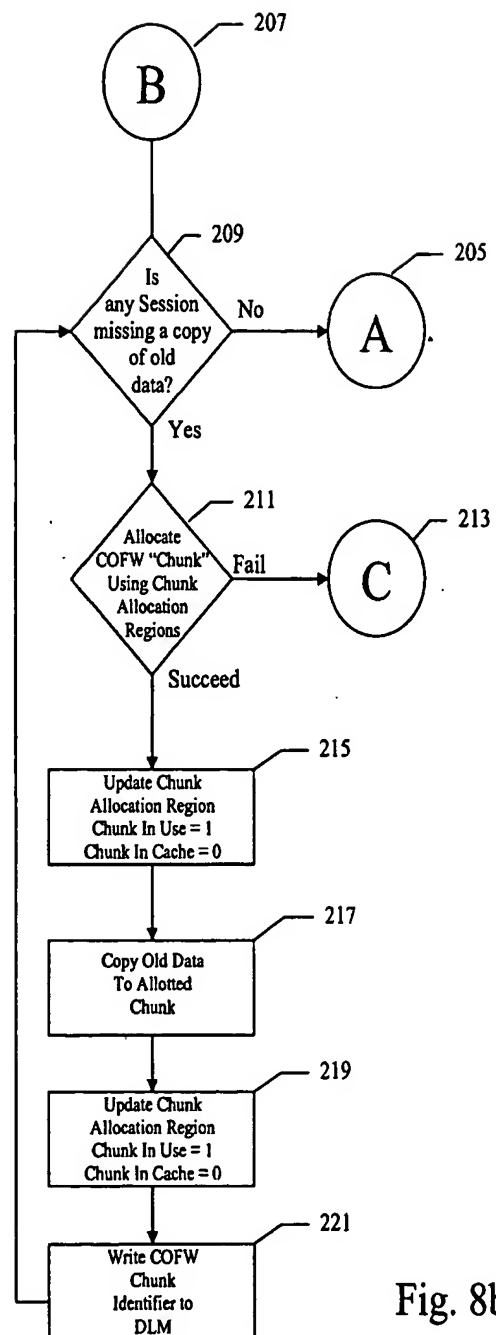
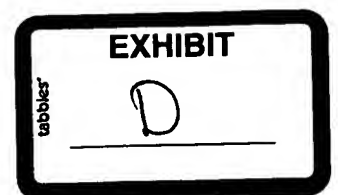


Fig. 8b





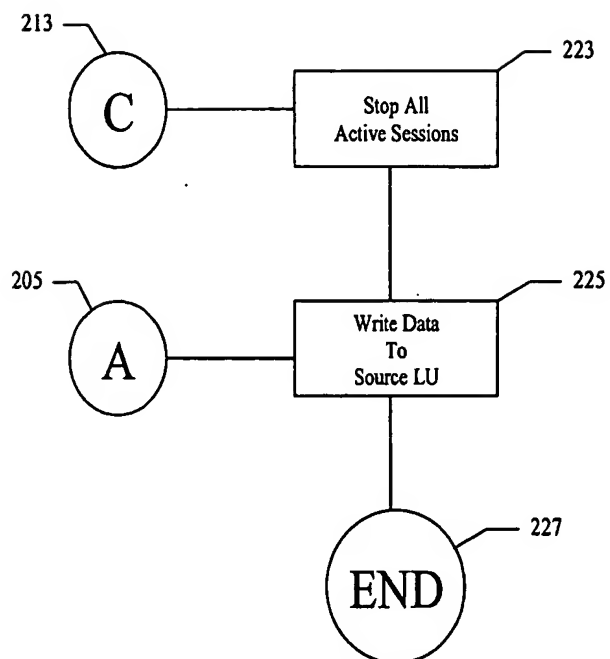


Fig. 8c

